



U.S. Department of Justice

*United States Attorney
Eastern District of New York*

DCP:NMA
F. #2020R00589

*271 Cadman Plaza East
Brooklyn, New York 11201*

March 4, 2022

By Email & ECF

Michael Padden, Esq.
Federal Defenders of New York
1 Pierrepont Plaza, 16th Floor
Brooklyn, New York 11201

Re: United States v. Steven Carter
Criminal Docket No. 20-295 (WFK)

Dear Mr. Padden:

Pursuant to Rule 16(a)(1)(G) of the Federal Rules of Criminal Procedure, the government hereby provides you with notice concerning the expert witnesses it anticipates calling at the upcoming trial in the above-referenced matter.

The government anticipates calling Policier Officer Clarence Batie to testify at trial. Officer Batie was a member of the New York City Police Department ("NYPD") Evidence Collection Team ("ECT"). Officer Batie is expected to testify that he participated in collecting the firearm, swabbing it for DNA, and examining it for fingerprints. Officer Batie is also expected to testify as an expert regarding the properties of latent fingerprints; the means by which they are deposited and removed; the fact that latent fingerprints are often not recovered from a firearm and the reasons therefor; and that no latent fingerprints could be recovered from the firearm in this case. Materials related to Officer Batie's anticipated testimony are contained in his evidence collection report, which was previously produced and Bates-stamped SC_000057 to SC_000059 and SC_000075 to SC_000080.

In addition, the government anticipates calling Senior Special Agent Matthew Fleming, a Senior Special Agent with the Bureau of Alcohol, Tobacco, Firearms & Explosives ("ATF"), to testify at trial. Special Agent Fleming is expected to testify about the identification of the firearm; its interstate nexus; and its value both retail and on the secondary market in New York City. Materials related to Special Agent Fleming's anticipated testimony will be contained in his forthcoming Report of Investigation. Additionally, please find enclosed Special Agent Fleming's curriculum vitae, Bates-stamped SC_000081 to SC_000082.

Additional information regarding each expert's expected testimony will be provided at an appropriate time pursuant to 18 U.S.C. § 3500.

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The government reserves the right to call substitute expert witnesses, as well as to call additional expert witnesses, and will provide advance notice of any intent to do so.

Pursuant to Rule 16(b), the government hereby reiterates its prior requests for reciprocal discovery, as set forth in full in the government's previous discovery letters.

Please do not hesitate to contact me if you have any questions.

Very truly yours,

BREON PEACE
United States Attorney
Eastern District of New York

By: /s/ Nick M. Axelrod
Nick M. Axelrod
Assistant U.S. Attorney
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cc: Clerk of the Court (WFK) (by ECF) (without enclosure)